

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.00-6343-CR-ZLOCH

CARTER
JUN 18
10.



UNITED STATES OF AMERICA,

Plaintiff,

v.

RICKY MOTEN,

Defendant.

**GOVERNMENT'S MOTION TO DEPART
BELOW SENTENCING GUIDELINE
RANGE, UNDER U.S.S.G. §5K1.1
AND 18 U.S.C. §3553(e)**

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves the Court to depart below the Sentencing Guideline range pursuant to U.S.S.G. Section 5K1.1 and Title 18, United States Code, Section 3553(e). The defendant, Ricky Moten, has provided the government with substantial assistance. In support of this motion, the United States asserts the following:

1. The defendant was indicted along with co-conspirators, Lindon Johnson, Mosi Grant, Vincent Haughton and Tameka Johnson in the Southern District of Florida. The indictment charged the defendants with possession with the intent to distribute marijuana, cocaine and cocaine base and conspiracy to possess with the intent to distribute marijuana, cocaine and cocaine base, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.



101

2. Immediately following his arrest in connection with this case, the defendant began to cooperate with law enforcement by identifying the entire scope of the narcotics trafficking operation that he had come to be involved in. The defendant pled guilty to conspiracy to possess with intent to distribute narcotics, and was de-briefed by agents of the DEA and the undersigned Assistant United States Attorney. The defendant agreed to testify truthfully at the trial and the sentencing of his co-conspirators.

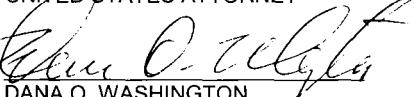
3. The two lead defendants entered guilty pleas shortly before trial. The defendant was prepared to testify at trial, in the event that either defendant had elected to proceed to trial.

WHEREFORE, as a result of the defendant's substantial assistance in the particular circumstances of this case, the United States respectfully moves this Honorable Court to depart below the presumptive Sentencing Guideline range in determining the defendant's sentence. The government will more fully articulate its position and recommendation at the defendant's sentencing hearing.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By:


DANA O. WASHINGTON
ASSISTANT U.S. ATTORNEY
Court No. A5500418
500 East Broward Blvd., Suite 700
Fort Lauderdale, FL 33394
Phone: (954) 356-7255 ext. 3520
Fax: (954) 356-7336
E-mail: dana.washington@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via facsimile and U.S. mail this 18th day of June, 2001, to:

Ana M. Jhones, Esquire
Bayside Plaza, Suite 625
330 Biscayne Blvd.
Miami, FL 33132
Fax: (305) 374-3414

Edward L. Cooley
U.S. Probation Officer
299 E. Broward Blvd.
Room 409
Ft. Lauderdale, FL 33301
Fax: (954) 356-7061.



DANA O. WASHINGTON
ASSISTANT UNITED STATES ATTORNEY